

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KARLIS RUBENS AUGUSTUS
HOWARD,

Plaintiff,

v.

HEATHER SHIRLEY, JAMES
CRONJAGER, and SCOTT DEGOUGH,

Defendants.

Case No. 1:24-cv-00387-HBK (PC)

ORDER MOOTING PLAINTIFF'S
SEPTEMBER 26, 2024 MOTION

(Doc. No. 23)

ORDER DIRECTING CLERK OF COURT TO
REFILE MISFILED PLEADINGS

On August 27, 2024, after finding that Plaintiff's Complaint stated cognizable federal and state law claims against the Defendants, the Court ordered service on Defendants Shirley, Cronjager and DeGough. (*See* Doc. No. 10, 12, 13). On October 4, 2024, the Defendants timely returned executed waivers of service, making their answers to Plaintiff's complaint due November 8, 2024. (*See* Doc. No. 27). On September 26, 2024 and October 18, 2024, respectively, Plaintiff filed Motions to Amend his Complaint, attaching to each Motion a lodged amended complaint. (Doc. Nos. 23, 24, 28, 29). The Court deems Plaintiff's October 18, 2024 Motion to Amend moots Plaintiff's earlier filed Motion. Upon further review of the lodged amended complaint that accompanied Plaintiff's October 18, 2024 Motion, the Court finds the Clerk inadvertently filed the various pleadings as part of the lodged first amended complaint. Presumably, Plaintiff intended to have the pleadings filed in his other actions and/or intended to

1 initiate new actions.¹ The Court will direct the Clerk to separate the comingled pleadings and
 2 refile them in the appropriate case or new case. Plaintiff is advised that he must not mail
 3 pleadings from unrelated cases together or, at a minimum, must clearly advise the Clerk in a
 4 cover letter that the mailing contains pleadings from different cases. together The Court will
 5 further address Plaintiff's October 18, 2024 Motion by separate order.

6 Accordingly, it is **ORDERED**:

- 7 1. Plaintiff's Motion to Amended filed September 26, 2024 (Doc. No. 23) is deemed
 8 MOOTED by Plaintiff's Motion to Amend filed October 18, 2024 (Doc. No. 28).
- 9 2. The Clerk of Court is directed to refile the misfiled pleadings contained in Plaintiff's
 10 Lodged Amended Complaint (Doc. No. 24) to the appropriate dockets as follows, and
 11 then delete the corresponding portions of the Lodged Amended Complaint:
 - 12 a. "Plaintiff's Ex Parte Motion for Stay Pending Release From Stay Prison" (*id.*
 13 at 30-34) to be filed to the docket in the instant case (E.D. Cal. Case No. 1:24-
 14 cv-00387).
 - 15 b. "Plaintiff's Ex-Parte Motion for Leave to File Amended Pleading" (*id.* at 35-
 16 40) to be filed in E.D. Cal. Case No. 1:24-cv-00386-BAM;
 - 17 c. The "Complaint for Monetary Damages" (*id.* at 41-69) to be filed in E.D. Cal.
 18 Case No. 1:24-cv-00386-BAM;
 - 19 d. "Plaintiff's Ex-Parte Motion to Stay Pending Release From Prison" (*id.* at 70-
 20 74) to be filed in in E.D. Cal. Case No. 1:24-cv-00386-BAM;

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 22 ¹ The lodged amended complaint attached to Plaintiff's September 26, 2024 Motion to Amend (Doc. No.
 23 24) comprised 232 page and included an "Ex Parte Motion to Stay Pending Release From State Prison"
 24 (*id.* at 30-34), an "Ex-Parte Motion for Leave to File Amended Pleading" in E.D. Cal. Case No. 1:24-cv-
 25 00386-BAM (*id.* at 35-40); a "Complaint for Monetary Damages" in E.D. Cal. Case No. 1:24-cv-00386-
 26 BAM (*id.* at 41-69); additional "Ex-Parte Motions to Stay Pending Release From Prison" in E.D. Cal.
 27 Case No. 1:24-cv-00386-BAM (*id.* at 70-74), E.D. Cal. Case No. 1:24-cv-000897-HBK (*id.* at 76-78),
 28 E.D. Cal. Case No. 1:24-cv-00447-GSA (*id.* at 80-83); E.D. Cal. Case No. 1:24-cv-00285-JLT-SAB (*id.* at
 85-88); a complaint dated September 20, 2024 (*id.* at 90-122) and accompanying application to proceed in
 forma pauperis (*id.* at 123-29); a second complaint dated September 20, 2024 (*id.* at 131-158) and
 accompanying application to proceed in forma pauperis (*id.* at 159-65); a third complaint dated September
 20, 2024 (*id.* at 167-91) and accompanying application to proceed *in forma pauperis* (*id.* at 192-98); a
 fourth complaint dated September 20, 2024 (*id.* at 201-225) and accompanying application to proceed in
 forma pauperis (*id.* at 226-32).

- 1 e. “Plaintiff’s Ex-Parte Motion to Stay Pending Release From Prison” (*id.* at 76-
2 78) to be filed in E.D. Cal. Case No. 1:24-cv-000897-HBK;
3 f. “Plaintiff’s Ex-Parte Motion to Stay Pending Release From Prison” (*id.* at 80-
4 83) to be filed in E.D. Cal. Case No. 1:24-cv-00447-GSA (*id.* at 80-83);
5 g. “Plaintiff’s Ex-Parte Motion to Stay Pending Release From Prison” (*id.* at 85-
6 88) to be filed in E.D. Cal. Case No. 1:24-cv-00285-JLT-SAB.

- 7 3. The Clerk of Court is directed to open a new case, docket the complaint and
8 application to proceed *in forma pauperis*, and assign case numbers to each of the four
9 complaints contained in Plaintiff’s lodged complaint corresponding to pages 90-129,
10 131-165, and 167-198, and 201-232, respectively.

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12 Dated: October 31, 2024


13 HELENA M. BARCH-KUCHTA
14 UNITED STATES MAGISTRATE JUDGE
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